# UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA

UNITED STATES OF AMERICA	)	
	)	
vs.	)	
	)	Mag. No. 1:12-mj-286
MARCISO NAVA VALDEZ	)	_

### MEMORANDUM AND ORDER

In accordance with Rules 5 and 5.1 of the Federal Rules of Criminal Procedure and in accordance with the Bail Reform Act, 18 United States Code § 3142(f), the preliminary hearing and detention hearing were held in this action on September 17, 2012 and September 20, 2012, respectively. Those present included:

- (1) AUSA Anne Marie Svolto for the United States of America.
- (2) The defendant, MARCISO NAVA VALDEZ.
- (3) Attorney Lee Ortwein for defendant.
- (4) DEA Special Agent Derrick Brown (9/17/12 hrg).
- (5) Deputy Clerks DeAndra Hinton/Kelli Jones.
- (6) Court Reporter Elizabeth Coffey/Shannan Andrews.

Upon being sworn the defendant was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

The defendant acknowledged he had received a copy of the Criminal Complaint. It was determined defendant, through a Spanish interpreter, was able to understand these proceedings.

AUSA Svolto moved the court the defendant be detained without bail.

## <u>Detention Hearing and Preliminary Hearing - Proof</u>

AUSA Svolto called DEA SA Derrick Brown as a witness. He testified to the facts outlined in the affidavit attached to the criminal complaint.

## **Findings**

Having heard and considered the testimony of the SA Brown during the detention hearing and preliminary hearing and the Affidavit/Complaint, the undersigned finds:

- (1) There is probable cause to believe that there have been violations of 21 U.S.C. § 841(a)(1) and 846, conspiracy to distribute and to possess with intent to distribute 25 kilograms or more of cocaine, committed in the Eastern District of Tennessee.
- (2) There is probable cause to believe the defendant committed the aforesaid offenses.
- (3) The proof the defendant committed the aforesaid offenses is strong.
- (4) There are no conditions nor are there any combination of conditions which will reasonably assure the safety of the community or the presence of the defendant at future hearings.

#### Conclusions

#### It is ORDERED:

- (1) The defendant is held to answer the charges against him in the District Court.
- (2) AUSA Svolto's motion to detain the defendant without bail is GRANTED for reasons set out in the separate ORDER OF DETENTION PENDING TRIAL filed with this order.
- (3) The defendant's next appearance shall be before a U.S. Magistrate Judge at 10:00 a.m. on Wednesday, September 26, 2012.

ENTER.

S / William B. Mitchell Carter

UNITED STATES MAGISTRATE JUDGE